UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,) **CRIMINAL CASE NO.** 08 MJ 8649 PCL
v.)
) **ORDER AND CONDITIONS OF PRETRIAL**
Carlos H. Ponce Defendant.) **RELEASE: BAIL** (18 U.S.C. § 3142(c))

A hearing was held to determine pretrial conditions of release of the defendant pursuant to 18 U.S.C. § 3142. The Federal Judge determined an unconditional release pursuant to 18 U.S.C.§ 3142(b) is not sufficient to assure the appearance of the defendant and the safety of the community. Thus, conditions of pretrial release are necessary pursuant to 18 U.S.C.§ 3142(c). ***Good cause appearing,***

IT IS ORDERED that the defendant shall be released subject to the condition that the defendant: ***(a) not commit a federal, state or local crime during the period of release, (b) make all court appearances and (c) comply with the conditions itemized below, as indicated by (✓), in accordance with 18 U.S.C.§ 3142(c)(2):***

STANDARD CONDITIONS:

✓ 1. restrict travel to ❑ San Diego County, ☑ Southern District of California, ❑ Central District of California, ❑ State of California, ❑ United States, ☑ do not enter Mexico, ❑ other:________;

✓ 2. report for supervision to Pretrial Services Agency (PSA) as directed by the assigned PSO and pay for the reasonable costs of supervision in an amount determined by PSA and approved by the Court;

✓ 3. not possess or use any narcotic drug or controlled substance, (defined in 21 U.S.C. § 802), without a lawful medical prescription;

✓ 4. not possess any firearm, dangerous weapon or destructive device during the pendency of the case;

✓ 5. read, or have explained, and acknowledge understanding of the Advice of Penalties and Sanctions Form;

✓ 6. provide a current residence address and phone number prior to release and keep it current while case pending.

ADDITIONAL CONDITIONS:

___ 7. be able to legally remain in the United States during pendency of the proceedings;

✓ 8. submit to treatment, and/or testing, as specified by the PSO, for: drug testing no more than 4x's p/mo.
☑ drugs or alcohol, and/or ☑ psychiatric or psychological counseling;

___ 9. participate in a Global Positioning System (GPS) satellite monitoring program ❑ active ❑ passive, including, release of defendant to PSA custody; and ❑ residence restrictions and/or ❑ permissive travel for employment. Defendant and sureties are responsible for GPS equipment loss or damage.
❑ submit to supervision and custody of ________; and/or
❑ remain at a specified residence (curfew) between the hours of ____ P.M. and ____ A.M. daily;

✓ 10. actively seek and maintain full-time employment, schooling, or combination of both;

✓ 11. execute a personal appearance bond in the amount of $ 100,000 secured by:
☑ a trust deed to the United States on real estate approved by a Federal Judge;
❑ the co-signatures of ________ financially responsible (related) adults;
❑ Nebbia Hearing ☑ Exam of Sureties ❑ other: ________
Exam conducted on 7-23-08

___ 12. provide the court with: ❑ a cash bond and/or ❑ execute a bail bond by an approved solvent corporate surety in the amount of $ ________ that covers ALL conditions of release (not just appearances).

___ 13. 18 U.S.C.§ 3142(d) hold until ________ ; if no detainer is lodged by then, these conditions take effect.

___ 14. clear all warrants/FTA's within ____ days of release.

___ 15. all conditions previously set will remain the same.

✓ 16. other conditions: see attached conditions

FILED
JUL 23 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY [initials] DEPUTY

DATED: 7-23-08

[signature]
Federal Judge

cc: Defendant/Counsel & U.S. Pretrial Services

U.S. Department of Justice

Karen P. Hewitt
United States Attorney
Southern District of California

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July 19, 2008

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SOUTHERN DISTRICT OF CALIFORNIA
BY EF DEPUTY

Kasha Pollreisz, Esq.
Federal Defenders of San Diego, Inc.
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San Diego, CA, 92101
VIA FACSIMILE: 619-687-2666

Re: ***United States v. Ponce*, 08MJ8649-PCL**

Dear Ms. Pollreisz:

Per my voicemail, I wanted to set forth the conditions the government would insist be imposed while your client would be on pretrial release. These conditions are identical to the conditions that Pretrial Services routinely requests in cases with similarly-situated defendants. The conditions would include:

- Travel restricted to the Southern District of California
- Report for supervision to Pretrial Services
- Submit to psychiatric/psychological counseling as specified by Pretrial Services, and such counseling is to be with a counselor who has experience in treating individuals charged with sexual crimes
- Submit to drug testing as directed by Pretrial Services (not to exceed four times per month)
- Actively seek and maintain full-time employment or schooling, or a combination of both
- No contact with children under the age of 18 unless accompanied and supervised by an adult who is aware of the charges and approved by Pretrial Services
- Report within eight (8) hours any unauthorized contact with any person under the age of 18
- Do not engage in any paid occupation or volunteer service that allows for direct or indirect exposure to children under the age of 18, unless approved in advance by Pretrial Services and the Court
- Participate in the Computer Monitoring Program (please see Pretrial Services Officer for details)
- Do not access any pornographic website via any on-line computer service or any other device with internet capabilities (e.g. iPods, X-Box, Wii, cellular telephone) at any location, at any time. This includes any internet service provider, bulletin board system, or other public or private computer network
- Surrender passport to Pretrial Services

- Active GPS with a curfew from 10:00 pm through 6:00 am
- Not frequent or loiter in any place where children congregate (e.g., schools, parks, playgrounds, video arcades, swimming pools, etc.)
- Execute a personal appearance bond in the amount of $100,000, secured by a trust deed in real property

Sincerely,

William A. Hall, Jr.
Assistant United States Attorney